



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/121,368	07/23/98	LINDEN	B S13.12-0036

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QM12/0118

EXAMINER

MCDERMOTT, C

ART UNIT

PAPER NUMBER

3763

9

DATE MAILED:

01/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Interview Summary

Application No.

09/121,368

Applicant

Lindin et al.

Examiner

Corrine M. McDermott

Group Art Unit

3763



All participants (applicant, applicant's representative, PTO personnel):

(1) Corrine M. McDermott

(3) \_\_\_\_\_

(2) Joseph Kelly

(4) \_\_\_\_\_

Date of Interview Jan 14, 2000Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☒ was reached. ☐ was not reached.Claim(s) discussed: Claims of proposed amendment.

Identification of prior art discussed:

Art of record.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed proposed amendment which amended independent claims in an effort to overcome rejection of claims as anticipated by Lemelson. Examiner agrees that amendments overcome art rejection. Discussed method claims, amendments to which were not presented. Counsel stated that some would be canceled and that those requiring the administration of genetic material would remain, unamended, with supporting arguments to their allowability.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

CORRINE M. MCDERMOTT  
PRIMARY EXAMINER  
ART UNIT 3763

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

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LAW AND RELATED ISSUES  
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**FAX Transmission Sheet**

VISALA CHEPURI GOSWITZ, Ph.D.  
PATENT AGENT

Date : January 14, 2000

To : C. McDermott

Company : Patent Office

Fax No.: 703-306-4520

From : Joseph R. Kelly

You should receive 8 page(s) including this cover sheet.

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*Purpose  
only genetic  
Material in  
method claims  
- need to search to  
find that  
argument is that in  
Genetic material  
don't use genetic  
Material*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bradley C. Linden et al.  
Serial No.: 09/121,368  
Filed : July 23, 1998  
For : INTRA-EXTRAVASCULAR DRUG  
DELIVERY CATHETER AND METHOD  
Docket No.: S13.12-0036

Group Art Unit: 3763  
Examiner:  
C. McDermott

## PROPOSED AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS  
PAPER IS BEING SENT BY U.S.  
MAIL, FIRST CLASS, TO THE  
ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, D.C.  
20231, THIS

\_\_\_\_ DAY OF \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
PATENT ATTORNEY

Sir:

This is in response to the Office Action mailed on November 5, 1999. Please amend the above-identified application as follows:

IN THE CLAIMS

Please cancel claims 130, 131, 140, 146, 151-163 and 165 and amend claims 57, 86, 91, 103, 120 and 132 as follows:

57. (Amended) An intravascular therapeutic catheter comprising:  
an elongate catheter body having a distal portion;  
a tissue penetrating member having a tissue penetrating tip, disposed at an angle relative to the catheter body, the angle opening in a proximal direction of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate the distal portion, operably coupled to the elongate catheter body, and having a first non-penetrating position and a second tissue penetrating position;  
and

-2-

an actuator member disposed proximate the distal portion and operably coupled to the tissue penetrating member, for moving the tissue penetrating member from one of the first or second positions [in a direction substantially non-parallel to the catheter body] to the other of the first or second positions, the actuator adding energy to the tissue penetrating member as the tissue penetrating member moves from the first position to the second position.

86. (Amended) An intravascular therapeutic catheter comprising:  
an elongate catheter body having a distal portion and an axis;  
a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate the distal portion and operably coupled to the elongate catheter body and having a first non-penetrating position and a second tissue penetrating position;  
and  
an actuator member disposed proximate the distal portion and operably coupled to the tissue penetrating member, for moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions in a substantially transverse path with respect to the axis.

91. (Amended) An intravascular therapeutic catheter comprising:  
an elongate catheter body having a distal portion and an axis;  
a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the

-3-

angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being disposed proximate the distal portion and operably coupled to the elongate catheter body and having a first non-penetrating position and a second tissue penetrating position; and

an actuator member disposed proximate the distal portion and operably coupled to the tissue penetrating member, for moving the tissue penetrating member a limited distance from one of the first or second positions in a direction substantially non-parallel to the catheter body to the other of the first or second positions.

103. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular therapeutic catheter having an elongate catheter body, an actuator and a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the tissue penetrating member having a first non-penetrating position and a second tissue penetrating position;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue; and

adding energy to the tissue penetrating member to move the tissue penetrating member from the first position in a direction substantially non-parallel to the catheter body to the second position.

-4-

120. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular therapeutic catheter having an elongate catheter body, an actuator and a tissue penetrating member having a tissue penetrating tip disposed at an angle relative to the axis, the angle opening in a proximal direction and being of no more than approximately 90 degrees, the tissue penetrating member being operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the tissue penetrating member having a first non-penetrating position and a second tissue penetrating position;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue; and

moving the tissue penetrating member from one of the first or second positions to the other of the first or second positions in a substantially transverse path with respect to a longitudinal axis of the catheter body.

132. (Amended) A method for treating cardiac tissue comprising the steps of:

providing an intravascular catheter of the type having an elongate catheter body and a tissue penetrating member operably coupled to the catheter body and disposed proximate a distal portion of the catheter body, the penetrating member having a first non-penetrating position and a second tissue penetrating position;

navigating the catheter through vasculature to a treatment site proximate the cardiac tissue to be treated;

moving the tissue penetrating member from one of the first or second positions in a direction substantially non-

-5-

parallel to the catheter body to the other of the first or second positions; and delivering a drug comprising a genetic material to the treatment site.

REMARKS

The Commissioner is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: \_\_\_\_\_

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